

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**VERNON SCHAAF, JULIAN BOIK,
and ALFRED STREUFERT, on behalf
of themselves and others similarly situated,**

Civil No. 05-1319 (JNE/SRN)

Plaintiffs,

v.

ORDER

**RESIDENTIAL FUNDING CORPORATION,
HELLER FINANCIAL, INC.,**

Defendants, and

MARSHALL & ISLEY BANK,

Nominal Defendant.

Vernon J. Vander Weide, Esq., on behalf of Plaintiffs

Andrew J. Holly, Esq. and James K. Langdon, Esq. on behalf of Defendant Residential
Funding Corporation

Larry D. Espel, Esq. and Monte A. Mills, Esq., on behalf of Defendant Heller Financial Inc.

The above-entitled matter comes before the Court upon the Report and
Recommendation of United States Magistrate Judge Susan Richard Nelson dated
January 4, 2006. No objections have been filed to that Report and Recommendation in the
time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the
files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Plaintiffs' Motion to Remand (Doc. No. 10) is **DENIED**.

DATED: January 25, 2006

s/ Joan N. Ericksen _____
JOAN N. ERICKSEN
United States District Court Judge